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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,169	03/17/2004	Thomas J. Bachinski	12929.1146US01	4145
7590 05/17/2006			EXAMINER	
Merchant & Gould P.C. P.O. Box 2903			FUQUA, SHAWNTINA T	
Minneapolis, MN 55402-0903			ART UNIT	PAPER NUMBER
			3742	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)	Applicant(s)			
Office Assistant Community		10/803,169	BACHINSKI ET A	BACHINSKI ET AL.			
	Office Action Summary	Examiner	Art Unit				
		Shawntina T. Fuqua	3742				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠	Responsive to communication(s) filed on 16	February 2006.					
2a) <u></u> ☐	This action is FINAL . 2b)⊠ This action is non-final.						
3)[Since this application is in condition for allow	ance except for formal	matters, prosecution as to the	e merits is			
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4)🖂	Claim(s) 1-25 is/are pending in the application	n. ·					
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
	Claim(s) <u>17-25</u> is/are rejected.						
	Claim(s) is/are objected to.						
8)∐	Claim(s) are subject to restriction and	or election requiremer	t.				
Applicati	on Papers						
9)	The specification is objected to by the Examir	er.					
10)⊠ The drawing(s) filed on <u>17 March 2004</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1:85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
a) All b) Some * c) None of:							
 Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No 							
3. Copies of the certified copies of the priority documents have been received in this National Stage 3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date							
3) 🛛 Inforr	B) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2/16/06 Other:						
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DETAILED ACTION

Claim Rejections - 35 USC § 103

- 1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 17-18, and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopponen (US6437291) in view of Christopher (US6037571).

Hopponen discloses a cooking assembly comprising a main body (39) including a base member (15) and a first hood member (17), a reflector (column 5, lines 18-22), an adjustable second hood member (16) with first and second portions, a top portion, and an adjustable flap (Figures 3 and 5), a grill cooking surface (20), a searing plate cooking surface (25), an electric heating element (67), and a temperature probe (100). Hopponen does not disclose a stand member to support the housing at an elevated position and with a refrigerated enclosure. Christopher discloses a stand (16) member to support the housing at an elevated position and capable of holding a refrigerator. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the stand of Christopher in the cooking assembly of Hopponen because a stand member allows the cooking assembly to be accessed more easily and a refrigerator provides convenience while cooking (i.e. don't have to run in house to get a cold drink or food items that are refrigerated prior to cooking.

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Response to Arguments

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

- 4. Claims 1, and 3-16 are allowed.
- 5. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf May 15, 2006 Shawntina Fuqua Patent Examiner Art Unit 3742